

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

SIN FRONTERAS RESTAURANT, and
ELADIO GONZALEZ,

Defendants.

MEMORANDUM AND ORDER

Case No. 09-CV-1873 (FB) (CLP)

X

Appearances:

For the Plaintiff:

PAUL J. HOOTEN, ESQ.

Paul J. Hooten & Associates

5505 Nesconset Highway, Suite 203

Mt. Sinai, NY 11766

BLOCK, Senior District Judge:

On February 23, 2010, Magistrate Judge Pollack issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against defendants Sin Fronteras Restaurant and Eladio Gonzalez, jointly and severally, in the amount of \$5,670, *see* R&R at 20. The R&R also stated that failure to object within fourteen days would preclude appellate review, and directed the Clerk of the Court to mail a copy of the R&R to plaintiff and defendants; the Clerk mailed those copies on February 23, 2010. *See* 2/23/2010 Docket Entry (Notice of Mailing). No objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a

waiver of further judicial review of the magistrate's decision."'). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

Brooklyn, New York
April 15, 2010

FREDERIC BLOCK
Senior United States District Judge